



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/605,625

10/14/2003

Gary Jon Boudrieau

004811202001

2624

500

7590

03/29/2006

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 6300
SEATTLE, WA 98104-7092

EXAMINER

SWARTHOUT, BRENT

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 03/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/605,625

Applicant(s)

BOUDRIEU, GARY JON

Examiner

Brent A. Swarthout

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 and 21 is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10-19 is/are rejected.
- 7) ☒ Claim(s) 8 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3,5,6,10-15,17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Craig in view of Mardirossian.

Craig discloses a system for protecting aircraft operation comprising autopilot control 202 (col. 11, line 7), pilot operated controls (col. 4, lines 23-34), anti-crash system and auto controlling piloting system 1150 for automatically overriding vehicle control input devices and autopilot 202 (col. 3, line 59); col.4, lines 14-19; col.11, lines 6-21) with inherent command signals after sensing a dangerous situation on board the aircraft (col. 8, lines 20-28), and for flying the aircraft to a safe destination (col. 11, line 9), except for specifically stating that the system prevents the aircraft from crashing into objects. It should be noted that a system designer would have avoided flying the aircraft into known objects when providing a safe destination flying program.

Furthermore, Mardirossian teaches desirability of automatically controlling an aircraft to avoid crashing into objects on the ground (abstract).

It would have been obvious to control an aircraft as taught by Craig to avoid controlled flight into objects as suggested by Mardirossian, in order that safe flight could have been realized even if a pilot became incapacitated..

Regarding claim 2, Craig teaches communicating with ground personnel (col. 11, line 19).

Art Unit: 2612

Regarding claim 3, Craig teaches using a course set by authorities in advance (col. 11, line 8).

Regarding claim 5, Craig teaches allowing ground to change course of aircraft during emergencies (col. 11, line 18).

Regarding claim 6, Mardirossian teaches desirability of letting ground monitor flight information (Fig. 1, box 7).

Regarding claim 15, Craig receives communications from other aircraft and ground (col. 11, line 19).

2. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Craig in view of Mardirossian and Murray et al.

Mardirossian teaches desirability of transmitting video data from an aircraft to ground (col. 3, line 37), except for use of audio feed.

Murray teaches desirability of providing audio cockpit data to a remote station in order to monitor cockpit conditions during an emergency (col. 14, lines 13-23).

It would have been obvious to one of ordinary skill in the art to include audio data for transmission to a central station as suggested by Murray in conjunction with a system as disclosed by Craig, and Mardirossian, in order to more accurately determine cockpit conditions so as to be able to best control an aircraft for specific conditions.

3. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Craig in view of Mardirossian and Nelson.

Nelson discloses desirability in an anti-hijacking system for aircraft of notifying government officials of the hazardous situation (col. 5, lines 34-35).

It would have been obvious to notify government officials as suggested by Nelson in a system as disclosed by Craig and Mardirossian in order to allow appropriate response teams to be summoned as necessary.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Craig in view of Mardirossian and Manion.

Manion discloses desirability of having a ground based object transmit signals indicative of distance and height to the anti-crash system (col. 4, line 65- col. 5, line 19).

It would have been obvious to provide obstacle transmitting units as suggested by Manion in conjunction with an obstacle avoidance system as disclosed by Craig and Mardirossian, in order to make it easier to identify ground object location so as to better avoid such location.

5. Claims 8-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 20-21 are allowed.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any


Art Unit: 2612

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent A Swarthout whose telephone number is 571-272-2979. The examiner can normally be reached on M-F from 6:30 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass, can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Brent A Swarthout
Art Unit 2636

**BRENT A. SWARTHOUT
PRIMARY EXAMINER**